

Exhibit 5: December 16, 2021, IUB order

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SUMMIT CARBON SOLUTIONS, LLC	DOCKET NO. HLP-2021-0001
NUSTAR PIPELINE OPERATING PARTNERSHIP L.P.	DOCKET NO. HLP-2021-0002
NAVIGATOR HEARTLAND GREENWAY LLC	DOCKET NO. HLP-2021-0003

**ORDER REGARDING FILING REQUIREMENTS AND ADDRESSING
SURVEY TIMING**

The Utilities Board (Board) currently has three pending dockets for the permitting of new hazardous liquid pipelines (HLP) pursuant to Iowa Code Chapter 479B and anticipates additional new HLP dockets being opened in 2022. In the course of these proceedings, questions have arisen in regard to the filing of information related to required notifications to landowners within the proposed pipeline corridors and in regard to the notification and timing of any voluntary land surveys to be conducted by the pipeline companies within the notice corridor. This order is intended to provide additional clarification to the pipeline companies and the public in regard to these issues. To the extent similar questions may arise related to other pipeline classifications, those issues will be addressed within those dockets.

As part of the process for scheduling the informational meetings, a company proposing to construct an HLP is required to give notice to all landowners and persons

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in possession of land in a corridor where the proposed pipeline will be located. The landowner mailing list is an important document that allows the Board to determine whether there are conflicts of interest with the proposed pipeline and whether proper notice has been provided to landowners in the corridor. The Board therefore requires pipeline companies to file a mailing list for each county where the pipeline is proposed to be located. The pipeline companies with open HLP dockets that have not yet filed landowner mailing lists with the Board, and future companies proposing new HLPs, will be required to file the mailing lists with those portions as described in the Board's November 23, 2021 order in Docket No. HLP-2021-0001 to be submitted as confidential.

The second issue that has come to the Board's attention is the timing of requests to enter landowner property to conduct a survey. It is the Board's understanding that there is a need for the Board to clarify its position in regard to the statutory and administrative rule requirements relating to voluntary surveys sought or conducted for the purpose of siting a hazardous liquid pipeline pursuant to Iowa Code chapter 479B.

Iowa Code § 479B.15 states, "[a]fter the informational meeting . . . a pipeline company may enter upon private land for the purpose of surveying" The Board interprets this provision of the Iowa Code to prohibit the surveying of private land until the informational meeting for that county has concluded, regardless of whether the landowner has granted access prior to the informational meeting. The informational meeting is a crucial element of the pipeline permitting process to ensure landowners understand their legal rights before any action with regard to property by the pipeline

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company. Allowing the company to begin surveying prior to the informational meeting runs contrary to the protections the informational meeting offers.

Pursuant to Iowa Code § 479B.4(6), a pipeline company seeking rights under chapter 479B “shall not negotiate or purchase an easement or other interest in land” prior to the informational meeting. Through the adoption of a definition at 199 Iowa Administrative Code 13.1, the Board has defined negotiating for purposes of Iowa Code chapter 479B to mean “contact between a pipeline company and a person with authority to negotiate an easement or other interest in land that involves the location, damages, compensation, or other matter that is restricted by Iowa Code section 479B.4(6).”

The discussion of survey access will necessitate the discussion of the basis for the need for a survey and will thereby necessarily involve discussion of the proposed pipeline project. The discussion of survey location cannot be materially distinguished from the discussion of the potential location of pipeline facilities. The Board is therefore issuing this order to clarify the Board’s interpretation of these provisions.

To the extent that informational materials or statements provided by the Board in this docket or in prior HLP dockets have left the question of the permissibility or timing of voluntary survey requests in doubt, this order is intended to provide clarity in regard to future actions and acknowledge the uncertainty which existed related to this issue in the past. The Board will apply this interpretation going forward and will apply the interpretation to all current HLP dockets and those filed after the issuance of this order.

IT IS THEREFORE ORDERED:

1. NuStar Pipeline Operating Partnership L.P. and Navigator Heartland Greenway LLC shall file the mailing lists for each affected county by December 28,

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2021. Confidentiality of the information shall be requested consistent with the Utilities Board order issued November 23, 2021, in Docket No. HLP-2021-0001.

2. Summit Carbon Solutions, LLC; NuStar Pipeline Operating Partnership L.P.; and Navigator Heartland Greenway LLC shall file updates to the mailing lists, as necessary, at the time of providing any such additional notices as are determined to be necessary.

3. Summit Carbon Solutions, LLC; NuStar Pipeline Operating Partnership L.P.; and Navigator Heartland Greenway LLC shall not engage in future communications with landowners for surveying purposes in any affected county until the informational meeting in that county has been completed.

UTILITIES BOARD

Geri Huser Date: 2021.12.15
09:21:50 -06'00'

Richard Lozier Date: 2021.12.14
11:17:24 -06'00'

ATTEST:

Louis Vander Streek Louis Vander Streek
2021.12.16 15:34:18
-06'00'

Dated at Des Moines, Iowa, this 16th day of December, 2021.